

Governor's Office for Children, Youth and Families

CIVIL RIGHTS

DISCRIMINATION COMPLAINT PROCEDURES FOR RESPONDING TO COMPLAINTS AGAINST DOJ-FUNDED SUBRECIPIENTS

I. Purpose

The purpose of this document is to establish written procedures for the Governor's Office for Children, Youth and Families (GOCYF) employees to follow when they receive a complaint alleging discrimination from employees and beneficiaries of a GOCYF subrecipient implementing funding from the U.S. Department of Justice (DOJ).

II. Policy

All individuals have the right to participate in programs and activities operated by GOCYF subrecipients regardless of race, color, national origin, sex, religion, disability, and age. The GOCYF will ensure that its subrecipients are in compliance with the following statutes and regulations:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin in the delivery of services (42 U.S.C. § 2000d), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart C;
- The Omnibus Crime Control and Safe Streets Act of 1968, which prohibits discrimination on the basis of race, color, national origin, religion, or sex in the delivery of services and employment practices (42 U.S.C. § 3789(c)(1)), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart D;
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability in the delivery of services and employment practices (29 U.S.C. § 794), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart G;
- Title II of the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability in the delivery of services and employment practices (42 U.S.C. § 12132), and the DOJ implementing regulations at 28 C.F.R. Part 35;
- Title IX of the Education Amendments of 1972, which prohibit discrimination on the basis of sex in educational programs (20 U.S.C. § 1681), and the DOJ implementing regulations at 28 C.F.R. Part 54;
- The Age Discrimination Act of 1975, which prohibits discrimination on the basis of age in the delivery of services (42 U.S.C. § 6102), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart I; and
- The DOJ regulations on the Equal Treatment for Faith-Based Organizations, which prohibit discrimination on the basis of religion in the delivery of services and prohibit

organizations from using DOJ funding on inherently religious activities (28 C.F.R. Part 38).

These laws prohibit agencies from retaliating against an individual for taking action or participating in action to secure rights protected by these laws.

III. Definitions

“Beneficiary” refers to a client, customer, consumer, or program participant.

“Complainant” refers to the person or persons who initiate a complaint.

“Subrecipient” refers to an agency which receives a DOJ grant award that is administered by the GOCYF.

IV. Complaint Procedures

- A. Employees and beneficiaries of subrecipients who wish to complain of discrimination by a subrecipient may file a complaint directly with the subrecipient, with the GOCYF, or with the Office for Civil Rights (OCR), Office of Justice Programs, DOJ. If an employee or beneficiary of a subrecipient raises an allegation of discrimination with a GOCYF employee, the GOCYF employee shall instruct the complainant to submit a written statement of the allegations to the GOCYF Program Director. The GOCYF Program Director will then forward the written complaint to the GOCYF Director and Deputy Director, who are responsible for coordinating these complaint procedures.
- B. A subrecipient may also forward to the GOCYF a discrimination complaint that an employee or beneficiary filed directly with the subrecipient. Any GOCYF employee receiving a discrimination complaint from a subrecipient shall submit the complaint to the GOCYF Program Director, who shall forward the complaint to the GOCYF Director and Deputy Director.
- C. The GOCYF Director or Deputy Director will refer complaints alleging discrimination by a subrecipient to the OCR and/or the Civil Rights Division, Arizona Attorney General’s Office, as appropriate, for investigation and resolution. The Director or Deputy Director will notify the complainant in writing of this referral.

V. Policy Dissemination

The GOCYF will post these complaint procedures on the GOCYF website to notify GOCYF subrecipients and their employees and beneficiaries of prohibited discrimination and the procedures for filing a complaint of discrimination against a subrecipient. The policy will be included in new employee materials and reiterated during staff trainings throughout the year. In addition, the policy will be posted to the GOCYF common folder. Information on the policy will be provided during pre-application conferences and during the subrecipient orientations and as part of their welcome letter.

Non-discrimination clauses will continue to be incorporated into all subrecipients contracts and agreements.